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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,587	03/23/2006	Katsutoshi Takahashi	19162	1173
23389	7590	10/06/2008	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC			VANORE, DAVID A	
400 GARDEN CITY PLAZA				
SUITE 300			ART UNIT	PAPER NUMBER
GARDEN CITY, NY 11530			2881	
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			10/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,587	TAKAHASHI ET AL.	
	Examiner	Art Unit	
	David A. Vanore	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 July 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4-45,47-49 and 51-55 is/are pending in the application.
 4a) Of the above claim(s) 14-45,47-49 and 51-55 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 4-9 is/are rejected.
 7) Claim(s) 10-13 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 September 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/29/07; 9/13/05</u> . | 6) <input type="checkbox"/> Other: _____ . |

Election/Restrictions

1. Applicant's election without traverse of Species I drawn to claims 4-13 in the reply filed on July 16, 2008 is acknowledged.
2. Claims 14-45, 47-49, and 51-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 16, 2008.

Claim Objections

3. Claims 10-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may not depend on a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by USPN

6,111,251 to Hillenkamp.

6. Regarding claim 4, Hillenkamp teaches a mass spectrometry system having a microchip and channel thereon (Fig. 11 and Fig. 12C), a laser irradiator (Fig. 13) where the beam spot is moved by translating the microchip (Col. 11 Line 65-Col. 12 Line 9), an analytical unit (Col. 5 Lines 25-33), a channel on the surface of the substrate (Fig. 11, Col. 11 Lines 22-36) a plurality

of columnar bodies on the substrate being irradiated with the laser beam (Fig. 12C, Col. 11 Lines 52-64).

7. Regarding claim 5, a path is defined by the plural columnar bodies shown in Fig. 12A, 12B, and 12C.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillenkamp cited above.

10. Claims 6-9 recite various changes in the geometry of the columnar body arrangement on the surface of the substrate upon which they rest.

11. Hillenkamp teaches various embodiments and changes to the pin geometry at Col. 11-Col. 12, but does not contemplate the specific changes to pin arrangement and density recited in claims 6-9.

12. Modifying the arrangement and density of the pins would alter the path defined by the spaces between the pins and the number of surfaces available for sampling via irradiation with a laser beam.

13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the number and spacing of the pins in the Hillenkamp reference to accommodate a desired test setup as Hillenkamp teaches varying the number of columnar bodies

to accommodate a standard 384 well micro plate format. Given this showing by Hillenkamp, one of ordinary skill would be motivated to contemplate other variations of pin/columnar body arrangements to accommodate a desired test setup or apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Vanore whose telephone number is (571) 272-2483. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David A Vanore/
Primary Examiner, Art Unit 2881

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